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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,534	07/13/2001	Hiroshi Sakurai	1081.1125	2164
21171	7590	04/30/2007	EXAMINER	
STAAS & HALSEY LLP			VAN BRAMER, JOHN W	
SUITE 700			ART UNIT	
1201 NEW YORK AVENUE, N.W.			PAPER NUMBER	
WASHINGTON, DC 20005			3622	
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			04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/903,534	<b>Applicant(s)</b> SAKURAI, HIROSHI	
	<b>Examiner</b> John Van Bramer	<b>Art Unit</b> 3622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____ |
|--|--|

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 14, 2007 has been entered.

### ***Response to Amendment***

2. The amendment filed on March 14, 2007, cancelled no claims. Claims 1, 5, 9, 14, 17, and 22 have been amended and new Claims 24 has been added. Thus the currently pending claims are Claims 1-24.

### ***Claim Rejections - 35 USC § 112***

3. The amendment filed March 14, 2007 has corrected the deficiencies raised in the second paragraph of 35 U.S.C. 112 rejection detailed in the Office Action dated October 20, 2006. Therefore, the examiner hereby withdraws the rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldhaber et al. (U.S. Patent Number: 5,794,210).

Claims 1, 22, and 23. Goldhaber discloses a method for distributing advertisements to a user through a computer network, comprising the steps of:

- a. Storing advertiser registration information including advertisement information for goods and/or services provided by an advertiser according to a registration request by said advertiser (Col 14, lines 17-40; and Col 15, lines 17-30)
- b. Storing user registration information including search conditions for goods and/or services specified by said user according to a registration request by said user (Col 12, line 59 through Col 13, line 47)
- c. Extracting advertisement information matching said search conditions from among said stored advertisement information. (Col 14, lines 59-67)
- d. Distributing said extracted advertisement information to said user. (Col 14, lines 59-67)
- e. Judging a level of contribution having a plurality of values, of a questionnaire response, to said advertiser and determining a reward amount for each questionnaire response on the basis of the level of contribution. (Col 7, lines 63-67; Col 11, lines 32-43; Col 17, lines 33-63; and Col 23, lines 1-3)

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(Goldhaber describes the user receiving additional compensation for answering a question regarding the users interest in having the merchant contact them. When the user answers in the affirmative additional information is supplied to the merchant (increased contribution), and additional compensation is provided.)

- f. Determining a reward amount for each questionnaire response in proportion to the level of contribution. (Col 7, lines 63-67; Col 11, lines 32-43; Col 17, lines 33-63; and Col 23, lines 1-3)

Claim 2. Goldhaber discloses the method for distributing advertisements according to claim 1, wherein said computer network is the Internet; and said extracted advertisement information is distributed as an Internet home page screen to a terminal of said user connected to the Internet. (Col 7, lines 28-47; and Col 9, lines 33-67)

Claim 3. Goldhaber discloses the method for distributing advertisements according to claim 1, wherein said computer network is the Internet; and said extracted advertisement information is distributed as electronic mail to the terminal of said user connected to the Internet. (Col 6, lines 3-22; and Col 9, lines 33-67)

Claim 4. Goldhaber discloses the method for distributing advertisements according to claim 1, comprising:

- a. Storing questionnaires relating to goods and/or services corresponding to said distributed advertisement information and relating to advertisers providing these goods and/or services. (Col 16, lines 6-17)
- b. Distributing said questionnaires to said users (Col 16, lines 6-17)
- c. Receiving and storing responses to said questionnaires from said users. (Fig 12, and Col 16, lines 6-17)

Claim 5. Goldhaber discloses the method for distributing advertisements according to claim 4, wherein said questionnaires include one of a pre-purchase questionnaires for said user to respond before said user purchases the goods and/or services corresponding to said distributed advertisement information, and a post-purchase questionnaires for said user to respond after said user purchases the goods and/or services corresponding to said distributed advertisement information. (Col 16, lines 6-17; and Col 18, lines 47-59) (Goldhaber does not limit the time frame in which interaction with the advertisement disclosed in these sections occurs. Therefore, interactions such as rating the ads are interpreted by the Examiner to be capable of being performed both pre-purchase and post-purchase.)

Claim 6. Goldhaber discloses the method for distributing advertisements according to claim 5, wherein said pre-purchase questionnaires include questions for gathering impressions said user has of said goods and/or services, or of the advertisers providing these goods and/or services, before said user purchases the goods and/or

services corresponding to said distributed advertisement information. (Col 16, lines 6-17; and Col 18, lines 47-59) (Goldhaber does not limit the time frame in which interaction with the advertisement disclosed in these sections occurs. Therefore, interactions such as rating the ads are interpreted by the Examiner to be capable of being performed both pre-purchase and post-purchase.)

Claim 7. Goldhaber discloses the method for distributing advertisements according to claim 5, wherein said post-purchase questionnaires include questions for gathering feelings and opinions said user has of said goods and/or services, or of the advertisers providing these goods and/or services, after said user purchases the goods and/or services corresponding to said distributed advertisement information. (Col 16, lines 6-17; and Col 18, lines 47-59) (Goldhaber does not limit the time frame in which interaction with the advertisement disclosed in these sections occurs. Therefore, interactions such as rating the ads are interpreted by the Examiner to be capable of being performed both pre-purchase and post-purchase.)

Claim 8. Goldhaber discloses the method for distributing advertisements according to claim 4, wherein a prescribed reward amount is paid to users who respond to said questionnaires. (Col 16, lines 6-17)

Claim 9. Goldhaber discloses the method for distributing advertisements according to claim 1, wherein the level of contribution is calculated by using parameters

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corresponding to importance, credibility, and novelty of the questionnaire response.

(Col 7, lines 63-67; Col 11, lines 32-43; Col 17, lines 33-63; and Col 23, lines 1-3)

(Goldhaber verifies the credibility of the response by checking to see if its completed and whether the account is "bad" or not. If the response it bad it is novel.

Additionally, Goldhaber discloses that the user receives additional compensation by agreeing to submit important information such as direct contact information.)

Claim 10. Goldhaber discloses the method for distributing advertisements according to claim 4, wherein results of compiling said questionnaire responses for a specific advertiser or the goods and services provided by the advertiser are distributed to said specific advertiser. (Fig 12; and Col 17, lines 33-63)

Claim 11. Goldhaber discloses the method for distributing advertisements according to claim 4, wherein advertisement information matching said search conditions is extracted on the basis of said questionnaire responses. (Col 17, line 64 – Col 18, line 33)

Claim 12. Goldhaber discloses the method for distributing advertisements according to claim 1, comprising:

- a. Receiving questions, regarding goods and/or services corresponding to said distributed advertisement information or regarding the specific advertiser



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- providing these goods and/or services, from a specific user. (Col 15, lines 1-6; and Col 16, line 64 through Col 18, line 59)
- b. Storing said questions and then forwarding the questions to said specific advertiser. (Col 15, lines 1-6; and Col 16, line 64 through Col 18, line 59)
  - c. Receiving a response to said questions from said specific advertiser. (Col 15, lines 1-6; and Col 16, line 64 through Col 18, line 59)
  - d. Storing the response to said questions and then distributing the response to the questions to said specific user. (Col 15, lines 1-6; and Col 16, line 64 through Col 18, line 59)

Claim 13. Goldhaber discloses the method for distributing advertisements according to claim 12, comprising:

- a. Setting a response deadline for the response to said questions for said specific advertiser. (Col 4, lines 47-62) (An auction inherently includes a deadline for auction completion thereby urging bidders to respond.)
- b. Urging said specific advertiser to respond to said questions when a response to said questions is not received by said response deadline. (Col 4, lines 47-62) (An auction inherently includes a deadline for auction completion thereby urging bidders to respond.)

Claim 14. Goldhaber discloses an apparatus for distributing advertisements to users through a computer network, comprising:

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- a. A memory unit for storing advertiser registration information, including advertisement information for goods and/or services provided by an advertiser, according to a registration request by the advertiser; and storing user registration information including search conditions for goods and/or services specified by said user according to a registration request by said user. (Col 12, line 59 through Col 13, line 47; Col 14, lines 17-40; and Col 15, lines 17-30)
- b. A control unit for extracting advertisement information, matching said search conditions, from among said stored advertisement information; and distributing said extracted advertisement information to said user. (Col 14, lines 59-67)
- c. Wherein said control unit judges a level of contribution, of a questionnaire response, to said advertiser, and determines a reward amount for each questionnaire in proportion to the level of contribution, in the case where a prescribed reward amount is paid to users who respond to questionnaires, the level of contribution having a plurality of values. (Col 7, lines 63-67; Col 11, lines 32-43; Col 17, lines 33-63; and Col 23, lines 1-3) (Goldhaber describes the user receiving additional compensation for answering a question regarding the users interest in having the merchant contact them. When the user answers in the affirmative additional information is supplied to the merchant (increased contribution), and additional compensation is provided.)

Claim 15. Goldhaber discloses the apparatus for distributing advertisements according to claim 14, wherein said memory unit stores questionnaires relating to goods and/or services corresponding to said distributed advertisement information and relating to advertisers providing these goods and/or services; and said control unit distributes said questionnaires to said users, receives responses to said questionnaires from said users, and stores responses to the questionnaires in said memory unit. (Fig 12, and Col 16, lines 6-17)

Claim 16. Goldhaber discloses the apparatus for distributing advertisements according to claim 15, wherein said questionnaires include pre-purchase questionnaires for said user to respond before said user purchases the goods and/or services corresponding to said distributed advertisement information, or post-purchase questionnaires for said user to respond after said user purchases the goods and/or services corresponding to said distributed advertisement information. (Col 16, lines 6-17)

Claim 17. Goldhaber discloses The apparatus for distributing advertisements according to claim 14, wherein the level of contribution is calculated by using parameters corresponding to importance, credibility, and novelty of the questionnaire response. (Col 7, lines 63-67; Col 11, lines 32-43; Col 17, lines 33-63; and Col 23, lines 1-3) (Goldhaber verifies the credibility of the response by checking to see if its

completed and whether the account is "bad" or not. If the response it bad it is novel. Additionally, Goldhaber discloses that the user receives additional compensation by agreeing to submit important information such as direct contact information.)

Claim 18. Goldhaber discloses The apparatus for distributing advertisements according to claim 15, wherein said control unit compiles said questionnaire responses for a specific advertiser or the goods and/or services provided by the advertiser and distributes the compiled results to said specific advertiser. (Fig 12; and Col 17, lines 33-63)

Claim 19. Goldhaber discloses The apparatus for distributing advertisements according to claim 15, wherein said control unit extracts advertisement information, matching said search conditions on the basis of said questionnaire responses. (Col 17, line 64 through Col 18, line 33)

Claim 20. Goldhaber discloses The apparatus for distributing advertisements according to claim 14, wherein, upon receiving questions, from a specific user, regarding goods and/or services corresponding to said distributed advertisement information or regarding the specific advertiser providing these goods and/or services, said control unit stores said questions in said memory unit and then forwards the questions to said specific advertiser; and upon receiving the response to said questions from said specific advertiser, said control unit stores the response

to said questions in said memory unit and then distributes the response to the questions to said specific user. (Col 15, lines 1-6; and Col 17, line 64 through Col 18, line 59)

Claim 21. Goldhaber discloses The apparatus for distributing advertisements according to claim 20, wherein said control unit sets a response deadline for the response to said questions for said specific advertiser, and urges said specific advertiser to respond to said questions when a response to said questions is not received by said response deadline. (Col 4, lines 47-62)

Claim 24: A method determining compensation for viewing of advertisements, comprising: determining from a contribution level a consumer makes when answering a survey about a product in response to the consumer viewing an advertisement for the product and paying a reward in proportion to the contribution level determined for each survey which the consumer answers. (Col 7, lines 63-67; Col 11, lines 32-43; Col 17, lines 33-63; and Col 23, lines 1-3) (Goldhaber describes the user receiving additional compensation for answering a question regarding the users interest in having the merchant contact them. When the user answers in the affirmative additional information is supplied to the merchant (increased contribution), and additional compensation is provided.)

***Response to Arguments***

6. Applicant's arguments filed March 14, 2007 have been fully considered but they are not persuasive. The applicant's arguments directed towards the newly submitted amendments have been addressed in the 35 USC 102 section of the current Office Action.

***Conclusion***

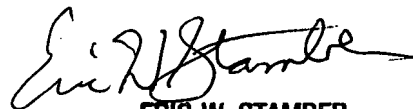
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*jvb*  
jvb



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